

**FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 7, 2005**

House of Representatives

The House convened at 10:30 a.m., Mr. Denney in the Chair.

Roll call showed 68 members present.
Absent and excused -- Cannon, Lake. Total -- 2.
Total -- 70.

Prayer was offered by Representative Sali.

The Pledge of Allegiance was led by Jenna Ryan, Page.

Approval of Journal

March 7, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 4, 2005

Mr. Speaker:

I return herewith enrolled **H 46**, **H 47**, and **H 103** which have been signed by the President.

WOOD, Secretary

Enrolled **H 46**, **H 47**, and **H 103** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 4, 2005

Mr. Speaker:

I transmit herewith **S 1126** which has passed the Senate.

WOOD, Secretary

S 1126 was filed for first reading.

Report of Standing Committees

March 7, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HP 2**, **H 294** and **H 295**.

FIELD(18), Chairman

H 295 was referred to the Judiciary, Rules, and

Administration Committee.

HP 2 and **H 294** were filed for second reading.

March 5, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 13**, **HCR 14**, **H 106**, **H 48**, **H 42**, and **H 43**.

FIELD(18), Chairman

The Speaker Pro Tem announced that enrolled **HCR 13**, **HCR 14**, **H 106**, **H 48**, **H 42**, and **H 43**, would be signed by the Speaker and when so signed, ordered them transmitted to the Senate for the signature of the President.

March 4, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **HCR 17** and **S 1149** and recommend that they do pass.

BARRACLOUGH, Chairman

HCR 17 and **S 1149** were filed for second reading.

March 4, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 101** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

H 101 was placed on General Orders for consideration.

March 7, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 99**, **H 252**, and **H 264** and recommend that they do pass.

CROW, Chairman

H 99, **H 252**, and **H 264** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE JOINT MEMORIAL NO. 5
BY REVENUE AND TAXATION COMMITTEE**

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the

Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Constitution of the State of Idaho at Section 1, Article I, states, "All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and protecting safety."; and

WHEREAS, the adoption of Senate Concurrent Resolution No. 134 in 2002, which approved the Idaho Wolf Conservation and Management Plan while reaffirming House Joint Memorial No. 5 adopted in 2001, as official state policy; and

WHEREAS, we recognize the damage that uncontrolled wolf populations and extraordinarily high wolf densities have caused, and will continue to cause, to our economy, customs, culture, public safety and public health in spite of the declared intent of Congress in 1988 which was "not to hurt hunting and the local economies"; and

WHEREAS, high wolf densities which have subsequently resulted in Idaho are proof of the need for better management; and

WHEREAS, we recognize that Congress has not yet addressed its Fifth Amendment just compensation responsibilities for damages to private property, specifically livestock and domestic animals and wildlife, which have resulted due to allowing the unnatural and accelerated introduction of wolves; and

WHEREAS, Idaho is confronted with the dilemma of classifying its resident Canadian wolves as "Big Game Animals" in order to show good faith effort under revised Section 10(j), commonly referred to as the "10-J Rule" of the Endangered Species Act; and

WHEREAS, it will be recognized that adoption of that designation will not supersede or undermine current United States Department of Agriculture or Idaho State Department of Agriculture law to manage for depredation pursuant to Section 22-103, Idaho Code; and

WHEREAS, wolves are predatory animals and should be managed as such; and

WHEREAS, the Secretary of Agriculture and the Secretary of the Interior have authority to perform lethal control of predatory animals with the funding source residing in the Granger-Thye Act since 1950; and

WHEREAS, the state of Idaho would be better served under the state's Wolf Conservation and Management Plan, accepted by the United States Fish and Wildlife Service, which enables the transition of wolf management under a special classification of predator that provides for controlled taking after delisting; and

WHEREAS, good faith effort between the United States Fish and Wildlife Service and the state of Idaho to move expeditiously to delisting is irreparably harmed by the prospect of endless third-party lawsuits that obstruct and delay the delisting process indefinitely; and

WHEREAS, federal, state and local governments are enjoined in constitutional duty and fiduciary responsibility to provide all available remedies to protect the economy, customs, culture, public safety and public health of the citizenry.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho reserves the rights and remedies offered by Title 7 of the U.S. Code and Section 11(h) of the Endangered Species Act.

BE IT FURTHER RESOLVED that the state of Idaho reserves the rights and remedies to prevent and control damage or conflicts on federal, state, or other public or private lands caused by predatory animals, rodents or birds, including threatened or endangered wildlife within the state of Idaho as are established by federal or state law, federal or state regulation, or county ordinance, that are injurious to animal husbandry, agriculture, horticulture, forestry, wildlife and human health and safety.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

HOUSE JOINT MEMORIAL NO. 6 BY EDUCATION COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE UNITED STATES SECRETARY OF ENERGY, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, at the direction of the United States Government, through its Department of Energy, a new national laboratory "Idaho National Laboratory" was, on February 1, 2005, formed from the former Argonne National Laboratory-West and Idaho National Engineering and Environmental Laboratory; and

WHEREAS, the United States Department of Energy's stated vision for the new Idaho National Laboratory is to: enhance the Nation's energy security by becoming the preeminent, internationally recognized nuclear energy research, development and demonstration laboratory within ten years; establish itself as a major center for national security technology development and demonstration; be a multiprogram, national laboratory with world-class nuclear capabilities; and foster new academic, industry, government and international collaborations to produce the investment, programs and expertise that assure this vision is realized; and

WHEREAS, the Idaho National Laboratory is considered an essential partner alongside Idaho state government, Idaho's universities and industry in carrying out the state's Science and Technology Strategic Plan and building on Idaho's key industry strengths in energy and power, imaging, new materials and nanotechnology, and ag/biotechnology; and

WHEREAS, the state of Idaho has for fifty-six years willingly and dutifully hosted Department of Energy, Energy Research and Development Administration and Atomic Energy Commission operations at the current Idaho National Laboratory site; and

WHEREAS, both the federal government and the state of Idaho have significant financial interests in seeing operations at the Idaho National Laboratory succeed.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we herewith respectfully petition the President and Congress to pledge continued support and provide sufficient long-term funding to assure execution of the federal government's stated, public record vision for the Idaho National Laboratory, allowing this great institution to advance, as it is uniquely able to, our collective interests in strengthened energy, national and economic security for these United States.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Energy of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HOUSE CONCURRENT RESOLUTION NO. 19

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE TEACHER MENTORING PROGRAM AND COMMENDING TO THE STATE BOARD OF EDUCATION A TEST PROGRAM MODELING TEACHER MENTORING AND ENCOURAGING PARTICIPATION AND COOPERATION FROM THE STATE DEPARTMENT OF EDUCATION, SCHOOL DISTRICT TRUSTEES AND SUPERINTENDENTS IN LOCAL SCHOOL DISTRICTS, AND TEACHERS IN THE SCHOOLS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, specific school districts developed mentoring programs over the course of past years to promote teacher development and improvement; and

WHEREAS, the Legislature recognized the potential of mentoring programs and adopted a statute mandating a mentoring program according to State Department of Education guidelines to foster teacher professional development and increase student achievement; and

WHEREAS, initially, the mentoring program was approved with state funding to support the mandate, but since 2003 there has been no state funding and there is no projected future funding; and

WHEREAS, some school districts, faced with critical funding decisions, have struggled to provide quality mentoring programs, and consequently have faced legal challenges from staff confronted with termination; and

WHEREAS, a well designed and reasonably funded

mentoring program for teacher training can lead to improved student performance through professional development for teachers.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature commends to the State Board of Education that the Board adopt a course of action to support models to pilot and test a mentoring program that is effective and cost efficient. The task force model project should be implemented over the next two years to identify strategies that work for teacher development and determine how teacher development improves and increases student achievement levels. The task force should closely monitor the pilot programs, reporting to the House of Representatives Education Committee and the Senate Education Committee on progress, and presenting a final report with recommendations at the conclusion of the pilot program. The final report should include recommendations for a statewide teacher support program, funding requirements, necessary procedures and administrative rules. The Legislature further encourages participation and cooperation from the State Department of Education, school trustees and superintendents in local school districts, and teachers in the schools.

HJM 5, HJM 6, and HCR 19 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 296

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2006; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED.

HOUSE BILL NO. 297

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 298

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CREATION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS, TO PROVIDE FOR

ORGANIZATION OF A DISTRICT, TO PROVIDE POWERS OF A DISTRICT, TO PROVIDE FOR A CHANGE IN DISTRICT BOUNDARIES OR THE GENERAL PLAN, TO PROVIDE FOR FINANCES, TO PROVIDE FOR GENERAL OBLIGATION BONDS AND TAX LEVIES, TO PROVIDE FOR REVENUE BONDS AND FEES AND CHARGES, TO PROVIDE TERMS OF THE BONDS, TO PROVIDE FOR NOTICE AND CONDUCT OF ELECTIONS, TO PROVIDE FOR TAXES, TO PROVIDE FOR FINANCIAL STATEMENTS AND ESTIMATES, BUDGETS AND CERTIFICATION OF LEVIES, TO PROVIDE FOR DISSOLUTION OF A DISTRICT, TO PROVIDE FOR EXEMPTIONS AND EXCLUSIONS, TO PROVIDE FOR LIMITATION OF LIABILITY, TO PROVIDE FOR APPEAL, EXCLUSIVE REMEDY AND CONCLUSIVENESS, TO PROVIDE FOR CONSISTENCY WITH STATE LAW, TO PROVIDE LIBERAL INTERPRETATION AND TO PROVIDE SEVERABILITY.

HOUSE BILL NO. 299
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO RESIDENTIAL IMPROVEMENTS EXEMPT FROM PROPERTY TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO ALLOW RESIDENTIAL IMPROVEMENTS TO STILL QUALIFY FOR THE FIFTY-FIFTY HOMEOWNER'S EXEMPTION IF THE RESIDENTIAL IMPROVEMENTS, WHICH PREVIOUSLY QUALIFIED, HAVE BEEN LEASED BECAUSE THE OWNER, BENEFICIARY, PARTNER, MEMBER OR SHAREHOLDER IS ABSENT IN THE CURRENT YEAR BY REASON OF ACTIVE MILITARY SERVICE IN A DESIGNATED COMBAT ZONE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 300
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO STATE AGENCY STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT; REPEALING SECTIONS 67-1901 THROUGH 67-1903, IDAHO CODE, RELATING TO STATE PLANNING; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1901, TO SET FORTH PURPOSES; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1902, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1903, IDAHO CODE, TO PROVIDE FOR STRATEGIC PLANNING; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1904, IDAHO CODE, TO PROVIDE FOR PERFORMANCE MEASUREMENT; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1905, IDAHO CODE, TO PROVIDE FOR TRAINING; AND AMENDING SECTION 67-3507, IDAHO CODE, TO REVISE A CODE REFERENCE.

HOUSE BILL NO. 301
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO MENTAL HEALTH COURTS; AMENDING THE HEADING FOR CHAPTER 56, TITLE 19, IDAHO CODE; AMENDING SECTION 19-5601, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 19-5602, IDAHO CODE, TO REVISE THE LEGISLATIVE STATEMENT OF POLICY; AMENDING SECTION 19-5603, IDAHO CODE, TO REFERENCE THE DRUG COURT AND MENTAL HEALTH COURT COORDINATING COMMITTEE; AMENDING SECTION 19-5606, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO REFERENCE THE DRUG COURT AND MENTAL HEALTH COURT COORDINATING COMMITTEE, TO PROVIDE FOR MENTAL HEALTH COURT COORDINATORS, TO PROVIDE FOR A DRUG COURT AND MENTAL HEALTH COURT IMPLEMENTATION PLAN AND DRUG COURT AND MENTAL HEALTH COURT PROGRAMS, TO REFERENCE MENTAL HEALTH COURTS AND TO PROVIDE FOR AN AUTOMATED DRUG COURT AND MENTAL HEALTH COURT MANAGEMENT INFORMATION SYSTEM; AMENDING SECTION 19-5607, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO PROVIDE FOR APPROPRIATIONS FOR MENTAL HEALTH COURTS; AMENDING SECTION 19-5608, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO REFERENCE MENTAL HEALTH COURTS AND TO PROVIDE FOR A DRUG COURT AND MENTAL HEALTH COURT FEE; AMENDING CHAPTER 56, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5609, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF MENTAL HEALTH COURTS AND TO PROVIDE FOR EVALUATIONS AND REPORTS; AND AMENDING SECTION 31-3201E, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO REFERENCE MENTAL HEALTH COURTS, TO REFERENCE THE DRUG COURT AND MENTAL HEALTH COURT FEE, TO REFERENCE THE DRUG COURT AND MENTAL HEALTH COURT FUND AND TO PROVIDE FOR EXPENSES INCURRED IN CONNECTION WITH MENTAL HEALTH TREATMENT.

H 296, H 297, H 298, H 299, H 300, and H 301 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1126, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

S 1066, by Education Committee, was read the second time by title and filed for third reading.

S 1054, S 1137, S 1069, S 1070, S 1071, as amended, **S 1072**, and **S 1073**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 135, by Business Committee, was read the second time by title and filed for third reading.

H 234 and **H 238**, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1030, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 88 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Smith(30) to open debate.

The question being, "Shall **H 88** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Barrett, Hart, Loertscher. Total -- 3.

Absent and excused -- Cannon, Crow, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 88** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 11, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Collins to open debate.

The question being, "Shall **H 11**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart,

Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- Wood. Total -- 1.

Absent and excused -- Cannon, Crow, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 11**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 263 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) and Mr. Black to open debate.

The question being, "Shall **H 263** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Loertscher, McKague, Wood. Total -- 4.

Absent and excused -- Cannon, Lake, Ring, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 263** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 157 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Henderson to open debate.

The question being, "Shall **H 157** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Loertscher,

Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, LeFavour. Total -- 2.

Absent and excused -- Cannon, Jones, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 157** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 213 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 213** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Cannon, Jones, Lake, Stevenson, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 213** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 219 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Miller to open debate.

The question being, "Shall **H 219** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller,

Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Cannon, Jones, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 219** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 220 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Black to open debate.

The question being, "Shall **H 220** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Cannon, Jones, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 220** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 221 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Smith(30) to open debate.

The question being, "Shall **H 221** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence,

Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Cannon, Lake, Schaefer, Stevenson, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 221** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 165 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall **H 165** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- LeFavour, Mitchell, Pence, Ringo. Total -- 4.

Absent and excused -- Cannon, Lake, Stevenson, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 165** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 272** retain its place on the Third Reading Calendar. There being no objection, it was so ordered.

H 193 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 193** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour,

Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bedke, Cannon, Lake, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 193** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 182 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Mitchell to open debate.

The question being, "Shall **H 182** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3. Total -- 70.

Whereupon the Speaker Pro Tem declared **H 182** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 186 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

The question being, "Shall **H 186** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jones, Kemp, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rusche, Rydalch, Sali,

Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Henbest, Jaquet, LeFavour, Martinez, Pasley-Stuart, Pence, Ringo, Saylor, Smith(30), Trail. Total -- 10.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 186** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 226 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 226** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 226** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 227 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 227** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen,

Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 227** passed the House. Title was approved as corrected and the bill was ordered transmitted to the Senate.

H 249 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Garrett and Mrs. Pasley-Stuart to open debate.

The question being, "Shall **H 249** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Harwood, Sali. Total -- 3.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 249** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 254 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Raybould and Mr. Roberts to open debate.

The question being, "Shall **H 254** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Field(18), Kemp, Loertscher, McGeachin, Schaefer, Trail. Total -- 7.

Absent and excused -- Cannon, Lake. Total -- 2.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 254** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 1 p.m.
Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Cannon, Lake. Total -- 2.
Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 272 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring, Mr. Wills, and Mr. Mitchell to open debate.

The question being, "Shall **H 272** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bell, Bilbao, Black, Block, Boe, Bolz, Collins, Deal, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, LeFavour, Martinez, Mitchell, Nielsen, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sayler, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Trail, Wills, Mr. Speaker. Total -- 36.

NAYS -- Andrus, Barrett, Bayer, Bedke, Bradford, Chadderdon, Clark, Crow, Denney, Edmunson, Ellsworth, Eskridge, Hart, Harwood, Kemp, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nonini, Raybould, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Smylie, Snodgrass, Stevenson, Wood. Total -- 32.

Absent and excused -- Cannon, Lake. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **H 272** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 245 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **H 245** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Mathews, Nielsen. Total -- 2.

Absent and excused -- Cannon, Deal, Lake. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 245** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, March 8, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:28 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk